

## Food and Drug Administration, HHS

## § 15.20

disclosure, or not in any way discussed or disclosed in open session or otherwise disclosed to the public.

[44 FR 22351, Apr. 13, 1979, as amended at 54 FR 9037, Mar. 3, 1989]

### **§ 14.172 Utilization of an advisory committee at the request of an interested person.**

Any interested person may request, under §10.30, that a specific matter relating to a particular human prescription drug be submitted to an appropriate advisory committee for a hearing and review and recommendations. The request must demonstrate the importance of the matter and the reasons why it should be submitted for a hearing at that time. The Commissioner may grant or deny the request.

### **§ 14.174 Advice and recommendations in writing.**

Advice and recommendations given by a committee on a specific drug or a class of drugs are ordinarily in the form of a written report. The report may consist of the approved minutes of the meeting or a separate written report. The report responds to the specific issues or questions which the Commissioner has addressed to the advisory committee, and states the basis of the advice and recommendations of the committee.

## **PART 15—PUBLIC HEARING BEFORE THE COMMISSIONER**

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AUTHORITY: 5 U.S.C. 553; 15 U.S.C. 1451–1461; 21 U.S.C. 141–149, 321–393, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b–263n, 264.

SOURCE: 44 FR 22366, Apr. 13, 1979, unless otherwise noted.

## **Subpart A—General Provisions**

### **§ 15.1 Scope.**

The procedures in this part apply when:

(a) The Commissioner concludes, as a matter of discretion, that it is in the public interest to permit persons to present information and views at a public hearing on any matter pending before the Food and Drug Administration.

(b) The act or regulation specifically provides for a public hearing before the Commissioner on a matter, e.g., §330.10(a)(8) relating to over-the-counter drugs and sections 520 (b) and (f)(1)(B), and 521 of the act relating to proposals to allow persons to order custom devices, to proposed device good manufacturing practice regulations, and to proposed exemptions from pre-emption of State and local device requirements under §808.25(e).

(c) A person who has right to an opportunity for a formal evidentiary public hearing under part 12 waives that opportunity and instead requests under §12.32 a public hearing before the Commissioner, and the Commissioner, as a matter of discretion, accepts the request.

## **Subpart B—Procedures for Public Hearing Before the Commissioner**

### **§ 15.20 Notice of a public hearing before the Commissioner.**

(a) If the Commissioner determines that a public hearing should be held on a matter, the Commissioner will publish a notice of hearing in the FEDERAL REGISTER setting forth the following information:

(1) If the hearing is under §15.1 (a) or (b), the notice will state the following:

(i) The purpose of the hearing and the subject matter to be considered. If a written document is to be the subject matter of the hearing, it will be published as part of the notice, or reference made to it if it has already been published in the FEDERAL REGISTER, or